

MINUTES OF THE REGULAR MEETING OF THE BOARD OF
EMERY COUNTY COMMISSIONERS
HELD IN THE EMERY COUNTY COURTHOUSE

MAY 13, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 230368 through and including # 230547 was presented for payment.

There were no requisitions or dispositions.

(2)

APPROVAL OF MICHAEL TAYLOR TOT HE EMERY COUNTY FIRE PROTECTION
SPECIAL SERVICE DISTRICT BOARD REPRESENTING CLEVELAND TOWN.

(3)

NOTIFICATION THAT THE FOLLOWING INDIVIDUALS HAVE BEEN HIRED TO WORK
AT THE EMERY COUNTY AQUATIC CENTER, TJ LACOCK, MADI ALLINSON,
VALERIE CHYNOWETH, TRAVIS FEHLBERG, DEVIN WILLSON, KAITLYN SALING,
ZACHERY FAUVER, AND JAXON WINN AS PART TIME LIFEGUARDS WORKING UP
TO 19.75 HOURS PER WEEK, WAGE GRADE 3.

(4)

APPROVAL OF JULIE COX TO BE A VOLUNTEER AT THE MUSEUM OF THE SAN
RAFAEL.

(5)

APPROVAL OF SCOTT SITTERUD TO BE A VOLUNTEER WITH THE IT DEPARTMENT.

(6)

APPROVAL OF KORI COOK, ANGELA PULLI, LEE MOSS, JOSH HESS, MATT

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MECHAM AND JOYCE GUYMON AS VOLUNTEERS FOR THE HUNTINGTON
LIBRARY.

(7)

APPROVAL OF 3% WAGE INCREASE FOR MICHAEL GRANGE WHO HAS
COMPLETED HIS 6 MONTH ORIENTATION PERIOD. EFFECTIVE 5025-14.

(8)

APPROVAL OF COMMISSION MEETING MINUTES DATED APRIL 22, 2014.

Motion to approve the Consent Agenda was made by Commissioner Ethan Migliori, seconded by Commissioner JR Nelson, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA

Nothing.

(2)

EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented Employee of the Month to Tanner Petersen. Tanner Petersen is the 18 year old daughter of Todd and Brenda Petersen of Ferron. She is a Senior at Emery High School where she will be graduating with a 3.9 GPA. Tanner represented Emery High School this year as their Drama Sterling Scholar and placed 1st in the state 2A. She received a Sterling Scholar scholarship to any school in the State of Utah.

Tanner started work at the Emery County Aquatic Center in May of 2012. She quickly proved herself to be a great worker and a very mature young woman. Tanner has excelled in every aspect of her job. She is great with patrons and has a love for working with the public. Tanner has been opening the Aquatic Center at 5:30 a.m. for the last 4 months. Opening the Aquatic Center at 5:30 a.m. requires a great deal of maturity for a high school student. She always opens on time and greets her customers with a wonderful smile, even at 5:30 a.m. in the morning. On April 10th this year, due to unforeseen circumstances the pool was not able to open. Tanner looked up the telephone numbers of all 38 of her regular morning patrons that would be showing up for lap swimming and Aquasize in the morning and let them know that the pool could not open that day.

This is just one example of the great job Tanner does for our community. All of the Emery County Aquatic Center employees and customers wanted to thank Tanner for the outstanding job she has done. They want her to know that they will miss her and wish her the best of luck at

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college and beyond.

Tanner was presented with a plaque and Emery County Business Chamber Bucks.

(3)

MICHAEL STIEWIG, BUREAU OF LAND MANAGEMENT, INTRODUCTION AND
UPDATE ON RECENT ACTIVITIES.

Michael Stiewig, acting Manager from Vernal BLM Office and Ahmed Mohsen, acting manager in the BLM Price Field Office came before the Board of Commissioners to introduce themselves and offer any assistance that they can provide to the county. Commissioner Migliori asked for an update of the wild horse and burro issue. Mr. Stiewig reported that this is a national level issue. He indicated that they are at 100% on their AML especially on the Sinbad area. They are planning to do an inventory this summer. The big question is “what to do with the animals when we do go get them”? He indicated that 64% of their budget goes to caring for the animals they already have in holding. Commissioner Migliori thanked Mr. Stiewig and asked him to express the Emery County Commission’s appreciation for the good relationship that they share with the BLM.

(4)

IRA HATCH, DISCUSSION OF REQUEST TO ABANDON WEST AIRPORT LOOP ROAD
AND DECISION TO BEGIN ABANDONMENT PROCEDURE.

Ira Hatch, Huntington discussed with the Commissioners a request to abandon West Airport Loop Road in Huntington. He provided a brief history of the road and it’s current use. He indicated that the road is currently a Class D Road which means no maintenance is provided. He described the access for adjacent land owners and how this would affect them. Mr. Hatch indicated that the process of abandoning this road has been looked at several times but nothing was ever followed through. He requested the Commissioners begin the process to abandon all of the road or a portion of the road. Commissioner Migliori indicated that the Commissioners needed to take a road trip out to the road in question and meet with the other land owners as well as meet with legal council before anything can be decided. Attorney David Blackwell reminded the Commissioners that the process of abandoning a road requires advertising and a public hearing. Commissioner JR Nelson made a motion to continue to study this matter with Ira Hatch, Attorney David Blackwell and the other land owners. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(5)

CONSIDERATION AND APPROVAL OF CELL PHONE STIPEND FOR THE FOLLOWING INDIVIDUALS WORKING IN THE ROAD DEPARTMENT, LARRY NEWMAN, TRAVIS WINN, COBY HUNT, MERRILL DUNCAN, JOEL JENSEN, TERRY SEAGER, THAD MORRIS, AND STEVEN KEMPLE.

Commissioner JR Nelson made a motion to approve cell stipends for the Road Department individuals as requested. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

RATIFICATION OF GRANT AGREEMENT MODIFICATION #1 FOR THE HUNTINGTON AIRPORT PAVEMENT PRESERVATION PROJECT 2014 (#149662)

Jonathon Johansen, J&T Engineering discussed a grant agreement modification for the Huntington Airport Pavement Preservation Project. The bids for the tarmac resurfacing came in a little higher than the \$72,000.00 grant funds that were provided for the project. The Commissioners approached the Utah Department of Transportation Aeronautical Operations Division and they agreed to modify the grant agreement to provide additional funds for the project. The grant agreement modification is now \$81,000.00 and the sponsor match was increased to \$9,000.00. Commissioner Ethan Migliori made a motion to ratify approval of grant agreement modification #1 for Huntington Pavement Preservation Project 2014 (#149662). Commissioner Jeff Horrocks stepped down to second the motion as Commissioner Nelson had to step out of the room. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF DECLARATION OF RESTRICTIVE COVENANTS FOR MANCOS HILLS INDUSTRIAL PARK BETWEEN EMERY COUNTY AND STATE OF UTAH ACTING THROUGH SITLA.

Economic Development Director, Mike McCandless explained that this has to do with the industrial park in Green River. The county established a process for establishing the industrial park which included a set of instructions for how to handle the closing prior to transition of property from SITLA over to the private sector. There is a set of restrictive covenants which are required that includes building restrictions and other restrictions as noted in the declaration. These restrictions give the city and county some oversight as to what is done at the site. This facilitates the first sale at the industrial park. The refinery has looked at the declaration and are ok with the restrictions as noted. Commissioner JR Nelson made a motion to approve of a Declaration of Restrictive Covenants for Mancos Hills Industrial Park between Emery County and State of Utah acting through SITLA. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(8)

CONSIDERATION AND APPROVAL OF ESCROW INSTRUCTIONS FOR CLOSING ON EMERY REFINING PROPERTY.

The industrial park is broke out into five lots. This is the escrow instructions for the sale of an approximately 80-acre parcel of land in the industrial park from the State of Utah, through SITLA to Castleland Resource Conservation & Development, Inc. and subsequently from Castleland RC&D to Emery Refining, L.L.C. Castleland RC&D is the facilitator of the sale. Commissioner Ethan Migliori made a motion to approve of escrow instructions for closing on Emery Refining Property. The motion was seconded by Commissioner JR Nelson. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF ENGINEERING CONTRACT WITH JOHANSEN AND TUTTLE ENGINEERING FOR PAINTING OF SEARSON BRIDGE.

Merrill Johansen, J&T explained that each year the Emery County Road Department performs extensive maintenance on a bridge in Emery County. This year they will be working on the Searson Bridge in Green River. There will be a site showing on Thursday, May 15th starting the process to sandblast and paint the bridge. Commissioner Ethan Migliori made a motion to approve of engineering contract with Johansen & Tuttle Engineering for painting of the Searson Bridge. The motion was seconded by Commissioner JR Nelson. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF GRANT AGREEMENT BETWEEN STATE OF UTAH, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WATER RESOURCES (UDWRe) AND EMERY COUNTY FOR COMPLETION OF THE HUNTINGTON CREEK RECOVERY PROJECT FUNDED THROUGH 2014 STATE OF UTAH SENATE BILL #3.

Commissioner Horrocks explained that the Grant Agreement between State of Utah, Department of Natural Resources, Division of Water Resources and Emery County is in the amount of \$400,000.00 toward the completion of the Huntington Creek Recovery Project. In a recent Emery Water Conservancy District meeting the board expressed their approval of the way the diversion basin is working. The grant requires that the county provide a summary description of the work completed and of the cost expenditures as requested. The State of Utah also reserved the right to audit the records that pertain to the grant. Commissioner JR Nelson made a motion to approve of a Grant Agreement between State of Utah, Department of Natural Resources, Division of Water Resources and Emery County for completion of the Huntington Creek Recovery Project funded through 2014 State of Utah Senate Bill #3. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(11)

CONSIDERATION AND APPROVAL OF 2014 PROPERTY TAX EXEMPTIONS.

The 2014 Property Tax Exemption List was presented for approval.

2014 PROPERTY TAX EXEMPTION

American Legion Post 42 #1-130-18	First Baptist Church of Emery County #1-126-45	Roman Catholic Church #3-50-16 #1-151H-25 #1-151E-2	Utah Housing Corporation #1-168-5 #1-168-6 #1-168-2
Castle Dale Independent Baptist Church #01-002C-0013	Four Corners Mental Health #1-13-46	Stuart B. Wilson Orient Lodge #1-151G-54	Friends of Green River-PACT #1-162-7
Daughters of Utah Pioneers-Hunt #1-196-22	Green River Bible Church #1-151G-36 #1-151F-18&19	Rocky Mountain West Baptist Mission #5-94-6 #5-93-7 #5-94-3 #5-94-5	
Daughters of Utah Pioneers-Orange #1-253-18	LDS Church various #'s		
Daughters of Utah Pioneers-Elmo #1-72-16	Bread Of Life Baptist Church #1-177A-20	United Mine Workers Of America #4-16-14	
Daughters of Utah Pioneers-CD #1-15-20	Orangeville City/ Housekeepers #1-239-52	Utah Museum of Natural History/ University Of Utah #5-56-2 #3-130-3 #3-130-1 #3-127-1	
Desert Edge Christian Chapel #01-179-1	Rural Utah Child Development #1-180-20		
Ferron Cattleman's Association #5-87-27			

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Commissioner JR Nelson made a motion to approve the 2014 Property Tax Exemption List. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF EMERGENCY MANAGEMENT
PERFORMANCE GRANT APPLICATION FOR FY 2014.

An Emergency Management Performance Grant Application for FY 2014 was presented for approval. Attorney Dave Blackwell has reviewed the application and recommended approval. Commissioner JR Nelson made a motion to approve an Emergency Management Performance Grant Application for FY 2014 as presented. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN UTAH STATE
HISTORY AND EMERY COUNTY FOR REHABILITATION WORK ON THE SAN
RAFAEL BRIDGE. CONSIDERATION AND APPROVAL OF PRESERVATION
AGREEMENT BETWEEN UTAH STATE HISTORIC PRESERVATION OFFICE AND
EMERY COUNTY FOR SAN RAFAEL BRIDGE.

The County Historic Preservation Committee put in for a grant from the Utah State History, Department of Heritage and Arts to undertake local historic preservation projects under the Certified Local Government program. They received a grant for \$6,000.00 to help do improvements to the San Rafael Swinging Bridge. The total cost of the project is \$12,000.00 to which \$6,000.00 will be matched in volunteer labor to work on the bridge. They have someone in place to begin the repairs before it gets too hot. The San Rafael Swinging Bridge is the only suspension bridge left in the state of Utah. Commissioner Ethan Migliori made a motion to approve of Preservation Agreement between Utah State Historic Preservation Office and Emery County for San Rafael Bridge. The motion was seconded by Commissioner JR Nelson. The motion passed.

(14)

RATIFICATION OF CONTRACT BETWEEN UTAH STATE HISTORY AND EMERY
COUNTY TO CREATE DIGITIZED CEMETERY BURIAL RECORDS.

Dottie Grimes and Bernice Payne working for the Emery County Historical Society previously received funds through the Utah State History to create digitized cemetery burial records in Emery County. They applied and received funds from the Utah State History, Department of Heritage and Arts in the amount of \$2,000.00 to accomplish the digitized cemetery records for Kane County. Because Emery County is the only county with a fully functioning Historical

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Society they can provide the people resources to accomplish this work, thus assisting the State with digitizing cemetery records in other areas of the state. The project amount is \$4,000.00 to which \$2,000.00 is in-kind work. Dottie and Bernice have received an award from the Utah State History, Department of Heritage and Arts for their work on this project. The grant contract was previously signed and is now presented for ratification of the signature. Commissioner JR Nelson made a motion to ratify the signature on the contract between Utah State History and Emery County to create digitized cemetery burial records. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

RATIFICATION OF CONTRACT BETWEEN UTAH STATE HISTORY AND EMERY COUNTY FOR EMERGENCY PREPAREDNESS OF THE EMERY COUNTY ARCHIVES.

Emery County Archives Director Shirley Begay received training on emergency preparedness for historical records protection. She applied with the state for funding to provide for this protection through emergency supplies to reduce the damage to the collections, thus minimizing the cost of cleanup should a disaster occur. The project cost is \$1,415.09 to which they received \$750.00 for the supplies and the rest will be in-kind match to do the work. Commissioner JR Nelson made a motion to ratify the signing of a contract between Utah State History and Emery County for Emergency Preparedness of the Emery County Archives. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(16)

CONSIDERATION AND APPROVAL OF TAX DEFERRAL AGREEMENT FOR ALAN HARENBERG.

Treasurer Steve Barton requested approval of a tax deferral agreement for Alan Harenberg. Mr. Harenberg has requested an extension of payment for his cabin in Joe's Valley. If approved he will have until November 30th to pay the taxes. Commissioner Ethan Migliori made a motion to approve a tax deferral agreement for Alan Harenberg as requested. The motion was seconded by Commissioner JR Nelson. The motion passed.

(17)

CONSIDERATION AND APPROVAL OF GENERAL SERVICE CONTRACT BETWEEN ROCKY MOUNTAIN POWER AND EMERY COUNTY FOR ELECTRIC SERVICE TO DEBRIS (CATCH) BASIN. DISCUSSION OF RIGHT-OF-WAY EASEMENT BETWEEN ANDALEX AND ROCKY MOUNTAIN POWER FOR THE POWER LINE.

The diversion structure for the debris (catch) basin requires a radio gate that needs three phase power connection. The nearest three phase power is in a power house owned by Andalex. There needs to be a right-of-way easement between Andalex and RMP for the power line. The

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cost for the general service contract between RMP and Emery County for the electric service to the debris (catch) basin is \$20,696.00. Sheriff Greg Funk indicated that everything hinges on the approval of the Army Corp of Engineers 404 permit. They have submitted an updated mitigation plan to the Army Corp of Engineers and hope to have that approval soon. Commissioner JR Nelson made a motion to approve of General Service Contract between Rocky Mountain Power and Emery County for electrical service to Debris (Catch) Basin. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(18)

DISCUSSION OF REQUEST TO VACATE PARCEL 1 OF THE IVIE MINOR SUBDIVISION
AND SETTING OF A PUBLIC HEARING.

The Emery County Planning and Zoning has received a request from a title company to vacate parcel 1 of the Ivie Manor Subdivision and leave it as farm land. Attorney David Blackwell indicated that a public hearing is needed to amend the description of the plot through creating an ordinance. A public hearing must be advertised for two weeks. Since this is a request from the title company the County needs assurance from the title company that they will absorb the cost of posting advertisement. Therefore, Commissioner Ethan Migliori made a motion to set a public hearing for June 10, 2014, pending approval from the title company that they will absorb the cost of posting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(19)

SETTING OF BOARD OF EQUALIZATION DATES AND TIMES FOR 2014.

Board of Equalization is set for Monday, August 25, 2014 from 9:00 a.m. until 1:00 p.m. in Castle Dale and Tuesday, August 26, 2014 from 10:00 a.m. until 12:30 p.m. in Green River.

(20)

COMMISSION/ELECTED OFFICIALS REPORTS.

Commissioner Nelson

Commissioner Nelson reported on attending a Emery Water Conservancy District meeting where they discussed the difficulty they are having with the Bureau of Reclamation and establishing a contract to deliver water notably to PacifiCorp that generates electricity. They have a put out an initial proposed contract. They discussed zebra and quagga mussel infestation. Commissioner Nelson will be attending a meeting in Provo at the Bureau of Reclamation office where they will be discussing the infestation issue. The Emery Water Conservancy District is in the process of planning a building across the street from this Courthouse that will house the offices of Emery Water Conservancy District, Castle Dale City offices and Castle Valley Special Service District offices. The Emery Water Conservancy District is seeking funding for Green River Diversion.

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At Fire District meeting they discussed a CIB application for help with brush trucks. Volunteer firefighters will be attending a training in Nevada regarding the brush trucks. The Weed/Mosquito Department was filmed by the Department of Agriculture because of their efforts with Russian Olive removal. Regarding the wild horse and burro issue, Commissioner Nelson has been asked to be point person for a National Public Radio broadcast discussing this issue.

Commissioner Migliori

Commissioner Migliori reported on attending a tour in Emery County with Jason Chaffetz and attended some interviews with Chad Booth, County Seat. He noted he was grateful for the opportunity to strengthen those relationships. The Emery County Care and Rehabilitation board expressed their appreciation to the Commissioners for their help to establish the Upper Limit payment. That money has been received and Emery County should be reimbursing the county for the cost soon. The BEAR program specialist will be in the area contacting businesses in the county to see if there are any specific needs. He thanked those who help with the Buckhorn Kiosk ribbon cutting. There was a great turnout. There is an Emery County Business Chamber Lunch and Learn on May 21st at the Museum of the San Rafael. The focus of the meeting will be on the importance of being on- line with your business. He attended an Invision Utah brainstorming session at the AOG with local leaders focusing on getting their perspectives of the area and where they want to be. There will be an EMT appreciation dinner on May 21st. He attended COG meeting with the mayors from the county communities where they discussed economic development and strengthening their communities. In conjunction with Archeology Week there were activities at the Museum of the San Rafael. There was a good turnout. He participated in interviews with Channels 4 & 5.

Commissioner Horrocks

On the 29th he and Commissioners and Mike McCandless met with Keith Heaton from the CIB where they discussed projects and the role of CIB. He attended a meeting with the 7 County Coalition where they discussed projects that will benefit the 7 counties in some form or another. He has spent a lot of time working with the Emery County Housing Authority helping to rehab the apartments and get them ready for inspections in July. The Weed/Mosquito Building is fully functioning now.

Steven Barton reminded the Commissioners of the MECCA Bike Festival this weekend on the San Rafael Swell.

Commissioner JR Nelson made a motion to leave the regular meeting and move into a closed session to discuss pending litigation and upon completion of the closed session to return to the

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regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(20)

CLOSED/EXECUTIVE SESSIONS TO DISCUSS STRATEGY SESSION TO DISCUSS
PENDING OR REASONABLY IMMINENT LITIGATION.

Those in attendance at a closed session were: Commissioner Horrocks,
Commissioner Nelson, Commissioner Migliori, Attorney David Blackwell, and Deputy
Clerk/Auditor Carol Cox

Upon returning to the regular meeting Commissioner Ethan Migliori made a motion to authorize Attorney David Blackwell to move forward with negotiations as discussed and bring back to the Commission a formal contract for consideration. The motion was seconded by Commissioner JR Nelson. The motion passed.

(21)

ADJOURNMENT

The meeting was adjourned.

ATTEST:_____ COMMISSIONER:_____